

COUNTY COUNCIL  
OF  
HARFORD COUNTY, MARYLAND  
BILL NO. 01-17

Introduced by: Council Member Miller and Council Members Chenowith, Geppi, Stepp, and  
Council President Hirsch

Legislative Day No. 01-24 Date July 10, 2001

AN ACT to repeal and reenact, with amendments, Section 60-9, Adoption; legal status, of Article II, Agricultural Land Preservation Program, of Chapter 60, Agriculture, of the Harford County Code, as amended; to increase the base easement value under the Harford County Purchase of Development Rights Program; to provide that a copy of the Agricultural Land Preservation Program, along with all appendices, is attached to this Act and made a part hereof as though it were fully stated herein; and generally relating to the Harford County Agricultural Land Preservation Program.

By the Council, July 10, 2001

Introduced, read first time, ordered posted and public hearing scheduled

on: August 7, 2001

at: 7:30 p.m.

By Order: James E. Massey, Jr., Council Administrator

**PUBLIC HEARING**

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on August 7, 2001, and concluded on August 7, 2001.

James E. Massey, Jr., Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED  
TO EXISTING LAW. [Brackets] indicate  
matter deleted from existing law. Underlining  
indicates language added to Bill by amendment.  
Language lined through indicates matter  
stricken out of Bill by amendment.

Section 1. Be It Enacted By The County Council of Harford County, Maryland that Section 60-9, Adoption; legal status, of Article II, Agricultural Land Preservation Program, of Chapter 60, Agriculture, be, and it is hereby, repealed and reenacted, with amendments, of the Harford County Code, as amended, all to read as follows:

Chapter 60. Agriculture.

Article II. Agricultural Land Preservation Program.

Section 60-9. Adoption; legal status.

The Harford County [1993] 2001 Agricultural Land Preservation Program dated [April 6, 1993] MAY 29, 2001 along with all its appendices is incorporated herein by reference as part of the chapter as though fully stated herein.

Section 2. And Be It Further Enacted, That if any provision of this Act or the Program, or application of this Act or the Program to any person or circumstance is held invalid in a court of competent jurisdiction, the invalidity does not affect any provision of this Act or the Program which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act and the Program are declared severable.

Section 3. And Be It Further Enacted, That this Act shall take effect 60 calendar days from the date it becomes law.

EFFECTIVE: October 9, 2001

*The Council Administrator does hereby certify that fifteen (15) copies of this Bill are immediately available for distribution to the public and the press.*

*James E. Massey, Jr.*  
Council Administrator

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HARFORD COUNTY BILL NO. 01-17

Brief Title) Ag Land Preservation Program

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

**CERTIFIED TRUE AND CORRECT**

**ENROLLED**

James E. Massey, Jr.  
Administrator

[Signature]

Date 8-7-01

Date 8/7/01

**BY THE COUNCIL**

Read the third time.

Passed: LSD 01-25 (August 7, 2001)

Failed of Passage: \_\_\_\_\_

By Order

James E. Massey, Jr.  
Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 9th day of August, 2001, at 4:00 p.m.



James E. Massey, Jr.  
Council Administrator

**BY THE EXECUTIVE**

[Signature]  
COUNTY EXECUTIVE

APPROVED:

Date 8-9-01

**BY THE COUNCIL**

This Bill (NO. 01-17), having been approved by the County Executive and returned to the County Council, becomes law on August 9, 2001.

James E. Massey, Jr.  
Council Administrator

EFFECTIVE: October 9, 2001

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**HARFORD COUNTY**  
**PURCHASE OF DEVELOPMENT RIGHTS PROGRAM**  
**May 29, 2001**

EXPLANATION: ~~Shading~~ indicates language added to original program adopted by Council Bill 93-2, as amended. [Brackets] indicate language deleted from original program adopted by Council Bill 93-2, as amended.

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**Harford County**

**Purchase of Development Rights Program**

**Preface**

The purpose of the Harford County Agricultural Land Preservation Program (HALPP) is to preserve productive agricultural land and woodland which provides for the continued production of food and fiber for the citizens of the County. This program is to be administered by the Department of Planning and Zoning and the Harford County Agricultural Advisory Board.

**A. Program Summary**

The Harford County Agricultural Land Preservation Program is a voluntary program that focuses on the purchasing of development rights from agricultural landowners. This is a voluntary program that permits any owner of agricultural land that meets the County's minimum qualifying criteria to apply to sell their development rights. If the development rights on the property are purchased by the Program, an easement is placed on the property restricting any future development in perpetuity, except what is permitted under the program's child lot exclusion provisions.

**Definitions**

**Agricultural land:** Land used primarily for agriculture.

**Agricultural use:** Any use of land which directly contributes to the production, processing, or storage of agricultural products as defined by the United States Department of Agriculture, including agricultural uses currently permitted within the Harford County Zoning Code.

**Development rights easement:** An encumbrance upon land which restricts the owners rights to develop or otherwise use the land for other than agricultural use.

**Severe economic hardship:** A state of financial peril of a landowner, whether caused by a natural disaster, the disability of the landowner, or some other occurrence. Severe economic

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hardship can be evidenced by bankruptcy proceedings or other documentation, but in each case the question of whether severe economic hardship exists will be decided by the County Council, with advice from the Department of Planning and Zoning and the Agricultural Advisory Board.

Child: Natural or adopted child of the landowner.

Landowner: An individual(s) who is the owner of record at the time of easement sale or district establishment.

Woodland: A biological community dominated by trees and other woody plants covering a land area of 1 acre or more.

### **Applying to Sell Development Rights**

An owner of agricultural land may offer, by written application to sell to the County an easement on the entire contiguous acreage of the agricultural land less 1 acre per existing dwelling located on the subject property.

The application shall include a general description of each land parcel, including acreage and the current use of the land, and shall be accompanied by a map or plat of each subject parcel at a scale no smaller than 1" equals 600'. (A copy of the County tax map will meet requirement). In addition, a certification of the existence of a plan approved by the Soil Conservation District, made or revised within the last 10 years of the date of the application, which lists soil conservation and water quality problem areas on the land, shall be provided.

All applications to sell easements to the County shall be received by the Department of Planning and Zoning. The Department, with the advice of the Treasury Department, shall establish specific dates by which applications to sell development rights must be received by the Department of Planning and Zoning. Within 60 calendar days after the deadline, the Department shall forward, to the Agricultural Advisory Board, all applications to sell development rights for their review.

Each application shall be reviewed by the Agricultural Advisory Board in accordance with the County's Easement Priority Ranking System (EPR). The following EPR System shall be used:

#### HARFORD COUNTY Easement Priority Ranking System (total 300 pts.)

1. Soil Productivity Score (LESA Program) (100 pts. max.) = \_\_\_\_\_
2. Farmland capability ( 35 pts. max.)
  - A. Cropland

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- |      |                        |         |   |       |
|------|------------------------|---------|---|-------|
| i.   | 75%-100% Cropland      | 30 pts. | = | _____ |
| ii.  | 50%-74% Cropland       | 20 pts. | = | _____ |
| iii. | Less than 50% Cropland | 10 pts. | = | _____ |
- B. Pasture
- |      |                  |         |   |       |
|------|------------------|---------|---|-------|
| i.   | 75%-100% Pasture | 15 pts. | = | _____ |
| ii.  | 50%-74% Pasture  | 10 pts. | = | _____ |
| iii. | Less than 50%    | 5 pts.  | = | _____ |
- C. Innovative Farming Practices      0-30 pts. = \_\_\_\_\_
3. A. Development Factors      (75 pts. max.)
- i. Number of AG Development Rights Remaining on Property
- |    |                           |           |       |
|----|---------------------------|-----------|-------|
| A. | 1 to 5                    | = 5 pts.  | _____ |
| B. | 6 to 10                   | = 10 pts. | _____ |
| C. | 11 to 15                  | = 15 pts. | _____ |
| D. | 16+ or rezoning potential | = 20 pts. | _____ |
- ii. Number of Potential Family Conveyances
- |    |          |           |       |
|----|----------|-----------|-------|
| A. | 1 to 5   | = 5 pts.  | _____ |
| B. | 6 to 10  | = 10 pts. | _____ |
| C. | 11 to 15 | = 15 pts. | _____ |
| D. | 16+      | = 20 pts. | _____ |
- B. Consistency with County Land Use Plan = 20 pts.
- |     |  |           |       |
|-----|--|-----------|-------|
| i.  | Existing zoning for development (within 2 miles) | = 10 pts. | _____ |
| ii. | Water/sewer service area (within 2 miles)        | = 10 pts. | _____ |
- C. Farm Size
- |      |                |           |       |
|------|----------------|-----------|-------|
| i.   | 200 plus acres | = 15 pts. | _____ |
| ii.  | 100—199 acres  | = 10 pts. | _____ |
| iii. | 50—99 acres    | = 5 pts.  | _____ |
4. Protected Land Contiguous to site      ( 20 pts. max.)
- A. Site is contiguous to farmland which is protected by easements,

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- deeds of trust, or restrictive covenants = 20 pts. \_\_\_\_\_
- B. Site is contiguous to nonagricultural but permanently protected floodplain or watershed areas = 15 pts. \_\_\_\_\_
- C. Land is contiguous to interim protected land (e.g. 5-year AG Preservation District) = 10 pts. \_\_\_\_\_
- D. Land is not adjacent to protected areas = 0 pts. \_\_\_\_\_
5. Existing SCS approved Soil Conservation Plan (20 pts. max)
- A. Meets current MALPF requirements and practices applied = 20 pts. \_\_\_\_\_
- B. Updated within 10 years and partially applied practices = 10 pts. \_\_\_\_\_
- C. No current approved plans = 0 pts. \_\_\_\_\_
6. Ownership (20 pts. max.)
- A. Full—time owner/operator = 20 pts. \_\_\_\_\_
- B. Land rented by full-time farmer = 15 pts. \_\_\_\_\_
- C. Part—time owner/operator = 10 pts. \_\_\_\_\_
- D. Absentee land owner = 0 pts. \_\_\_\_\_
7. Contribution to Continued Viability of Agricultural Community (15 pts. max.)
- A. Substantial contribution = 15 pts. \_\_\_\_\_
- B. Moderate contribution = 10 pts. \_\_\_\_\_
- C. Minimal contribution = 0 pts. \_\_\_\_\_
8. Special Conditions (15 pts. max.)
- A. Economic hardship = 0-15 pts. \_\_\_\_\_
- B. Young farmers = 0-15 pts. \_\_\_\_\_
- C. Other (specify) \_\_\_\_\_ = 0-15 pts. \_\_\_\_\_

TOTAL SCORE \_\_\_\_\_

TOTAL NUMBER OF POINTS POSSIBLE: 300



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Based on the total EPR system score, all applications shall be ranked first to last with the first applicant being the one with the highest score and the last being the one with the lowest score. The applicant with the highest score should receive the first offer, the applicant with the second highest score should receive the second offer and so on until all funds are expended. However, the County shall have the flexibility to modify this procedure if adequate funding is not available for the next landowner in line who would have received an offer if funds were available. Those applicants not receiving an offer shall automatically be considered for the next round of easement sale offers. All offers to purchase development rights from agricultural landowners must be approved by the Harford County Board of Estimates and the County Council. As the Harford County Agricultural Land Preservation Program is strictly voluntary, no landowner shall be required to accept any offer made by the County to purchase their development rights nor shall the County be required to purchase the development rights on farms not meeting the County's minimum EPR system score of 150 points.

### **Location Criteria**

The primary focus of the Harford County Agricultural Land Preservation Program will be on lands outside of the County's 10 year water and sewerage service area. However, lands within the boundaries of the 10 year water and sewerage service area may apply to sell their development rights.

### **Guidelines For Easement Purchase**

The County may not purchase an agricultural preservation easement from a landowner of less than 50 acres unless:

It is contiguous to an easement that is 50 acres or greater; or

The landowners on the adjoining property(s), which are each less than 50 acres but total at least 50 acres, apply and accept the State's or County's offer to purchase an easement; or

The land is located in a predominantly agricultural area and there is a farming operation on the parcel; or

The land is the site of a general farming operation that has been operating for at least 10 years; or

The land has an agricultural productivity capability higher than the County average as determined by the United States Department of Agriculture.

**Value of Easement**

The actual easement value paid to a landowner shall be determined by an overall evaluation of the property based on factors such as development potential, soil productivity capability, Best Management Practices, type of farming operation and other important characteristics. Upon the advice of the Harford County Agricultural Advisory Board, a maximum per acre value that the County is willing to pay a landowner for their development rights shall be established and reviewed on an annual basis.

The following easement valuation system shall be used:

**VALUATION WORKSHEET**

Base ..... 100  
 [(100% of base - \$690.00 the average per acre value assigned to farmland by the Maryland Department of Agriculture)]

Size (farm acreage/AG zoning density) .....  
 (1% of base for every 10 acres)

Total # of development rights (including family conveyance) .....  
 (2% of base for every development right or family conveyance)

**LAND QUALITY**

Average Soil Productivity .....

Cropland Soils (soil ac. x weight ÷ farm ac.) x 100.

Class I Soils \_\_\_\_ x 1 .....  
 Class II Soils \_\_\_\_ x .72 .....  
 Class III Soils \_\_\_\_ x .50 .....  
 Class IV (qualifying) Soils \_\_\_\_ x .18 .....

Pasture Soils (pasture ac. x weight ÷ farm ac.) x 100

Class I Soils \_\_\_\_ x 1 .....  
 Class II Soils \_\_\_\_ x .72 .....  
 Class III Soils \_\_\_\_ x .50 .....  
 Class IV (qualifying) Soils \_\_\_\_ x .18 .....

Woodland Group (woodland ac. x weight ÷ farm ac.) x 100.

Class I Woodland \_\_\_\_ x .50 .....  
 Class II Woodland \_\_\_\_ x .25 .....

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Approved and Implemented (SCS) Plan  
(10% of base) .....

Total .....

Maximum Easement Value

\_\_\_\_\_ x (Base MULTIPLICATION Easement Value OF 16.9) = \$\_\_\_\_\_ per acre

**Installment Purchase Agreement (IPA)**

Once a landowner agrees to accept a County offer to purchase his or her development rights, an Installment Purchase Agreement between the County and the individual seller will be written. This agreement includes the total amount of money that the County has agreed to pay the landowner and sets the terms of that agreement including the fixed interest rate on which the landowner will receive annual payments. These IPA's shall be for 20 years with the interest and a small portion of the principal being paid annually. At the end of the 20 year IPA, the landowner will receive a lump sum payment constituting the remainder of the principal. This agreement is exempt from the provisions of Sections 9, 10 and 11 of Article 31 of the Annotated Code of Maryland.

Settlement shall be made by the County within 120 days of the date of County Council action. A 60 day extension may be requested by either the landowner or the County in order to verify deed information and/or provide an updated survey or other information needed by the County to complete the easement sale process.

**Payment Alternatives**

If the landowner requests that development rights be purchased in a manner other than through the IPA method, the County, after considering past and future IPA obligations and considering whether funds are available, shall offer to pay the landowner in cash for the purchase of development rights. If funds are not available for cash purchase of development rights, the landowner shall be the first to receive an easement purchase offer in the next fiscal year in which purchases are made. No landowner shall be asked to make a decision with respect to IPA or cash until after the property has received its EPR system ranking and it has been valued under the easement valuation system and, in any event, a landowner's preference for a cash purchase shall not be considered when the property is ranked under the EPR system or valued under the easement valuation system. The overall review process, including the application, evaluation, value determination, easement recordation and lot exclusions, are the same as the installment purchase agreement approach.

Once a landowner agrees to accept a County offer to purchase his development rights, a

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contract between the County and the individual seller will be written. This contract will include the total amount of money that the County has agreed to pay the landowner and sets the terms of that agreement.

Settlement shall be made by the County within 120 days of the date of County Council action. A 60 day extension may be requested by either the landowner or the County in order to verify deed information and/or provide an updated survey or other information needed by the County to complete the easement sale process.

### **Recording Easement**

Once all necessary documents have been properly signed, a Deed of Easement, restricting in perpetuity future development on the property, shall be recorded in the Harford County Land Records. The form of Deed of Easement shall be similar to the Deed of Easement attached as an appendix to the PDR Program. The County shall pay reasonable costs at settlement for the following : Title Report, Title Insurance, and Recordation Fees, if applicable.

### **Agricultural Preservation Easement**

#### **Conditions for Establishment**

A landowner agrees:

To maintain the land in agricultural use or properly managed so that it is available for continued agricultural use from the date that the easement is recorded in the Land Records of Harford County.

At the time of easement establishment to implement and maintain a soil and water conservation plan as prepared by the Soil Conservation District.

That the easement agreement creates an encumbrance upon the land, and binds future owners, heirs, successors or assigns and precludes the subdivision and utilization of the land principally for uses such as residential, institutional, commercial or industrial as defined in the Harford County Zoning Code and/or subdivision rules and regulations. Any agricultural uses currently permitted would be allowed to continue under this agreement. The easement agreement shall not provide for public access to any privately owned land.

That the construction of new buildings or structures on the land, other than farm buildings that did not exist at the time of district or easement establishment, is contingent upon the written application and approval by the Department of Planning and Zoning, subject to review by, and recommendation of, the Agricultural Advisory Board.

**Additions to Existing Easements**

The process for adding land to existing easements shall be the same as for the initial establishment of an easement. The Agricultural Advisory Board shall establish a minimum size criterion for the addition of land contiguous to an existing easement.

**Exclusion of Lots Under Easements**

The landowner of record at the time of easement sale may, at anytime after easement sale, request a 2 acre or less lot exclusion for the exclusive residential use of that landowner. A letter must be provided to the Department of Planning and Zoning verifying the owner's intention to live in this dwelling, subject to review and recommendation of the Agricultural Advisory Board.

The landowner of record at the time of easement sale may, at anytime after easement sale, request a tenant home in accordance with conditions established within Section 267-26(D)(6) of the Harford County Zoning Code. This request shall be submitted to the Department of Planning and Zoning, subject to the review and recommendation of the Agricultural Advisory Board.

The child of the landowner of record at the time of easement sale may, at anytime after easement sale, request a 2 acre or less lot exclusion for the exclusive residential use of that child. A letter must be provided to the Department of Planning and Zoning from both the landowner and the child verifying that it is the intention of the child to live in this dwelling, subject to the review and recommendation of the Agricultural Advisory Board.

The total number of lot exclusions may not exceed 1 dwelling unit per 25 acres with a maximum lot size of 2 acres. The maximum 2 acre lot shall include all County right-of-way requirements. In addition, any landowner of an easement requesting a lot exclusion shall be required to repay the County for that lot. This repayment shall be equal to the amount paid per acre by the County to the landowner. All costs associated with establishment of this lot shall be paid by the landowner.

**B. Agricultural Preservation Districts**

The Harford County Agricultural Land Preservation Program (HALPP) also allows a landowner the option of establishing an agricultural preservation district through the Maryland Agricultural Land Preservation Foundation. An agricultural preservation district is a minimum 5 year agreement by the landowner not to develop their land. If a landowner applying to establish an agricultural preservation district does not meet the State's minimum size criteria, but otherwise qualifies for their program, the landowner may establish an agricultural preservation district through the County program.

**Applying to Establish an Agricultural Preservation District**

An owner of agricultural land may offer, by written application, to establish an agricultural preservation district on the entire contiguous acreage of the agricultural land, less 1 acre per existing dwelling located on the subject property.

The application shall include a general description of each land parcel including acreage and the current use of the land and shall be accompanied by a map or plat of each subject parcel at a scale no smaller than 1" equals 600'. (A copy of the County tax map will meet requirement). In addition, a certification of the existence of a plan approved by the Soil Conservation District, made or revised within the last 10 years of the date of the application, which lists soil conservation and water quality problem areas on the land, shall be provided.

All applications to establish an agricultural preservation district shall be received and reviewed by the Department of Planning and Zoning. This review shall include the types and percentage of qualifying soils, average productivity of those soils, type of farming operation and the total number of development rights remaining on the farm. Within 60 calendar days the Department of Planning and Zoning shall forward the application, with its findings, to the Agricultural Advisory Board for their review and recommendation.

Each application shall be reviewed by the Agricultural Advisory Board in accordance with the County's Easement Priority Ranking System (EPR). A landowner must score a minimum of 150 points in order to qualify for the establishment of an agricultural preservation district.

**Recording District**

Once all necessary documents have been properly signed, a Deed of Easement, restricting future development on the property in accordance with the District Agreement, is recorded in the Harford County Land Records.

**Location Criteria**

The primary focus of the Harford County Agricultural Land Preservation Program will be on lands outside of the County's 10 year water and sewerage service area. However, lands within the boundaries of the 10 year water and sewerage service area may apply to establish an agricultural preservation district.

**Guidelines for District Establishment**

An agricultural preservation district shall be a minimum of 50 contiguous acres. However, a parcel of less than 50 acres may qualify as a district if:

It adjoins a 50 acre parcel which has been approved by the County as an agricultural preservation district; or

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It has added to one or more adjoining parcels which together have been approved by the County as agricultural preservation districts; or

The land has an agricultural productivity capability higher than the County average as determined by the United States Department of Agriculture.

### **Conditions for Establishment**

A landowner agrees:

To maintain the land in agriculture use from the date that the district is recorded in the Land Records of Harford County;

That the district agreement creates an encumbrance upon the land and binds future owners, heirs, successors or assigns, and precludes the subdivision and utilization of the land principally for uses such as residential, commercial or industrial as defined in the Harford County Zoning Code and/or subdivision rules and regulations for a minimum of 5 years. Any agricultural uses currently permitted would be allowed to continue under this agreement.

That the construction of buildings or structures on the land other than farm buildings is contingent upon the written application and approval by the Department of Planning and Zoning, subject to review by and recommendation of the Agricultural Advisory Board.

### **Additions to Existing Districts**

The procedures for adding land to existing districts shall be the same as for the initial establishment of districts. The Agricultural Advisory Board shall establish a minimum size criterion for the addition of land contiguous to an existing district.

### **Exclusion of Lots Under District**

The landowner of record at the time of district establishment may, at anytime after the district has been established, request a 2 acre or less lot exclusion for the exclusive residential use of that landowner. A letter must be provided to the Agricultural Advisory Board verifying the owner's intention to live in this dwelling.

The landowner of record at the time of district establishment may, at anytime after the district has been established, request a tenant home in accordance with conditions established within Section 267-26(D) (6) of the Harford County Zoning Code. This request shall be submitted to the Department of Planning and Zoning, subject to the review and recommendation of the Agricultural Advisory Board.

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The child of the landowner of record at the time of district establishment may, at anytime after the district has been established, request a 2 acre or less lot exclusion for the exclusive residential use of that child. A letter must be provided to the Department of Planning and Zoning from both the landowner and the child verifying that it is the intention of the child to live in this dwelling. The number of lot exclusions may not exceed one dwelling unit per 25 acres. All costs associated with the establishment of this lot shall be paid by the landowner.

### **Termination and Alteration of Districts**

The following provisions are applicable only to land in agricultural preservation districts on which an easement is not held by the County or State:

#### **After 5 Years**

A landowner may terminate his property's inclusion in an agricultural preservation district at any time after 5 years from the establishment of the district. Notice of intention to terminate must be submitted to the County at least 6 months prior to district termination.

#### **Severe Hardship**

If severe economic or personal hardship occurs, the County may, on an individual basis, release the landowner's property from an agricultural preservation district at any time. The landowner shall petition the County, stating succinctly the severe hardship that the landowner is sustaining, and providing the County with the following:

A recent financial statement which shows the owner's complete assets and liabilities and a statement under the penalty of perjury that the information contained in the financial statement is true and accurate.

Other information attesting to the severe hardship that the landowner is sustaining including by way of example, information from the mortgages, lien holders, creditors, attorneys, the Internal Revenue Service and other party interest who are qualified to address the condition of the landowner.

To the extent permitted by law, the County shall deny access to the information the landowner has supplied the County.

The question of whether severe economic hardship exists will be decided by the County Council, with advice from the Department of Planning and Zoning and the Agricultural Advisory Board.



**C. Qualifying Criteria for District or Easement Establishment Productivity Capability**

Properties qualified for the HALPP shall consist of land which is either used primarily for the production of food, fiber or is of such open space character and productivity capability that continued agricultural production is feasible.

**Soils Criteria For Lands Equal To Or Greater Than 50 Acres**

At least 50 percent of the land area of any district, less the acreage contained within the 100 year floodplain as delineated on the Flood Hazard Boundary Maps, produced by the Federal Emergency Management Administration and State or Federal designated wetlands, shall consist of U.S.D.A. Soil Capability Classes I, II, III or on cropland and pasture or Woodland Groups 1 and 2 on woodland areas.

**Soils Criteria For Lands Less Than 50 Acres**

A minimum of 60 percent of the land area of any district shall consist of U.S.D.A. Soil Capability Classes I, II, III or IV on cropland and pasture and Woodland Groups 1 and 2 on wooded areas.

Exceptions to these requirements include land areas of lower general capabilities or areas of existing, extensive, specialized production, including but not limited to dairying, livestock, poultry, fruit or berry production.

**Agricultural Preservation Advisory Board**

The Agricultural Advisory Board shall have the following responsibilities to both the State and County Agricultural Land Preservation Programs:

To advise the County with respect to the establishment of agricultural preservation districts and the approval of purchases of easements by the County.

To assist the County in reviewing the status of agricultural preservation districts and easements.

To advise the County concerning priorities for agricultural preservation, and to assist the County in developing criteria for evaluating agricultural land applying to the program.

To promote the preservation of agricultural land within the County by offering information and assistance to farmers with respect to the establishment of agricultural preservation districts and the purchase of easements.

**D. Development Buffers**

The Department of Planning and Zoning shall study and report to the County Council on or before January 1, 1994, on appropriate provisions for protecting the ability of landowners with property in the PDR program to continue their farming operations. Of particular concern is the proximity of residential development to properties in the PDR program, since conflicts often arise when residential areas are constructed next to active farming operations. One of the most important ways the County can provide protection is to prevent such conflicts from occurring, and the Department's study should include recommendations on appropriate methods for preventing such conflicts. Any such requirements would necessitate legislation to amend the subdivision regulations or the zoning code.

**E. Use of Land in the Harford County Agricultural Preservation Program.**

An owner whose land is in the Harford County Agricultural Land Preservation Program shall be permitted to:

1. Use the land for any agricultural, horticultural or farming purpose as permitted in the Harford County Code;
2. Maintain the land for future agricultural uses;
3. Operate at any time machinery used in agricultural production or the primary processing of agricultural products;
4. Employ normal agricultural activities and operations in accordance with good husbandry practices, as long as the activities and operations do not endanger the health and welfare of the citizens of the county: and
5. Sell agricultural products as is permitted under the County Code.